

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Kevin Hamilton,

Plaintiff

v.

Las Vegas Metro Police Department, et al.,

Defendants

Case No. 2:21-cv-01746-JAD-EJY

**Order Adopting Report and
Recommendation**

[ECF No. 7]

The magistrate judge has screened Plaintiff Kevin Hamilton's Amended Complaint [ECF No. 5] and recommends that I dismiss all claims and close this case.¹ The deadline for Hamilton to object to that recommendation was April 13, 2022, and he did not file anything or ask to extend the deadline to do so. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."² Having reviewed the report and recommendation, I find good cause to adopt it, and I do.

IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation [ECF No. 7] is **ADOPTED** in its entirety.

The following claims are dismissed with prejudice:

- Plaintiff's Second Cause of Action alleging respondeat superior against AMR, Allied, Sunrise and LVMPD, and claims seeking an award of money damages against all Defendants acting in their official capacities;

¹ ECF No. 7.

² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

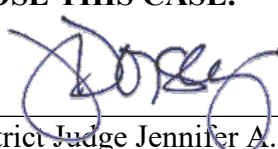
- Plaintiff's Fifth Amendment claim asserting a Miranda violation against LVMPD and Doe Officers I and II; and
- Plaintiff's False Imprisonment-Fourth Amendment Claim against LVMPD, AMR, Allied, and Sunrise.

The following claims are dismissed without prejudice but without leave to amend because amendment would be futile:

- Plaintiff's Fourth Amendment claim against Doe Officers I and II, Allied security guards Does III and IV, EMT Doe V, Abiog, Latifeci, Hansen, and Lovinger in their individual capacities; and
- Plaintiff's Intentional Infliction of Emotional Distress claim against Defendants LVMPD Officers Does I and II, and Drs. Hansen.

Finally, Plaintiff's Intentional Infliction of Emotional Distress claim against Defendants Abiog, Latifeci, and Doe V is dismissed without prejudice to his ability to assert this common law claim in state court.

Because no claims remain, IT IS FURTHER ORDERED that the Clerk of Court is directed to ENTER JUDGMENT ACCORDINGLY and CLOSE THIS CASE.



U.S. District Judge Jennifer A. Dorsey
Dated: April 15, 2022